

REVISED LAWS

MINNESOTA

1905

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EDITED AND ANNOTATED BY
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1275. **Speed**—No such vehicle shall be propelled or operated on any street or road within the settled portion of any city or village at a rate of speed exceeding eight miles an hour, nor over any crossing in a city or village at a rate exceeding four miles an hour when any person is using the crossing, nor on any other road or street at a rate exceeding twenty-five miles an hour. ('03 c. 356 s. 1)

1276. **Muffler, bell, etc.**—Every such vehicle using gasoline as motive power shall use a muffler, which shall not be disconnected while within any city or village, and shall also be provided with a bell or horn, which shall be sounded whenever there is apparent danger of collision or accident; and, if operated in the night-time, such vehicle shall have a suitable light conspicuously placed thereon. ('03 c. 356 ss. 3, 4)

1277. **Operator of vehicle to stop, when**—The operator of any such vehicle propelled upon any public road shall stop the same on signal from any person driving horses or mules on such road until such horses or mules have passed. ('03 c. 356 s. 2)

1278. **Violation—Penalty**—Any person who shall violate any of the provisions of §§ 1274–1277 shall be guilty of a misdemeanor. ('03 c. 356 s. 7)

1277
102-M - 377
113-NW 904

CHAPTER 14

EDUCATION

DISTRICT SCHOOLS

1279. **Public schools—Tuition free**—All schools supported in whole or in part by state school funds shall be styled public schools, and admission to and tuition therein shall be free to all persons between the ages of five and twenty-one years, in the district in which such pupil resides: Provided, that the school board of any district may, by resolution, exclude all children under six years of age. (3648, 3697)

Finding as to residence sustained (91-268, 97+885).

1280. **School districts**—For school purposes the state is divided into common, special, and independent school districts, each of which shall be a public corporation. Common school districts shall be numbered consecutively in each county, and each shall be known as school district No..... ofcounty. A district, when situate in two or more counties, shall be known as joint school district No..... of..... and..... counties. Independent school districts shall be known by the names or numbers given them at their organization. (3648)

Corporations, only for specified objects (11-31, 12; 17-412, 391; 49-106, 51+814).

1281. **Formation of districts**—A majority of the freeholders qualified to vote for school officers residing upon any territory not less than four sections in extent, and in which reside not less than twelve children of school age, whether or not such territory be in whole or in part included in any existing common, independent, or special school district, may petition the county board of the proper county to make such territory a school district, common or independent. (3659; '03 cc. 220, 277)

42-357, 44+120; 89-351, 94+886.

1282. **Petition**—The petition shall contain:

1. A correct description of the territory to be included in such proposed district.
2. The number of persons residing therein.
3. The names and ages of all children of school age residing therein, and the existing district in which each such child lives.

1279-1484
09 - - 239

1280-1281
09 - - 500

1281
05 - - 183
07 - - 76

1282
05 - - 183
07 - - 110

4. The districts in which such territory lies, and the number of such children in each such district.

5. The reasons for the formation of the proposed district.

Such petition shall be acknowledged by the petitioners, and submitted for approval to the county superintendent, and by him approved in writing before presentation to the county board. (3667)

1283
101-M - 168

1283. Notice of hearing—Upon the presentation of such petition, the county board shall appoint a time and place for hearing thereon, and shall cause two weeks' published notice thereof to be given in the county, and ten days' posted notice in each district affected. Such notice shall also be served on the clerk of each district, by mail, at least ten days before the time set for hearing, and the auditor's certificate shall be proof of the mailing. (3668; '01 c. 20)

1284
101-M - 163

1284. Proceedings on hearing—At the hearing the board shall receive any evidence and consider any arguments for and against such proposed organization, and shall make an order either granting or denying the petition; and, if the petition be granted, the order shall particularly describe the district, state its name or number, shall be signed by the chairman, and attested and filed with the auditor, who shall mail to the clerk of each district affected a copy thereof, and shall cause ten days' posted notice to be given of a meeting to organize such district. The board may adjourn the hearing from time to time, and, upon the recommendation or with the written approval of the county superintendent, enlarge or change the boundaries proposed in the petition. (3669; '01 c. 125 s. 1)

89-351, 94+886.

1285-1286
09 - - 13

1285. Appeal from order—Any person aggrieved may appeal from such order to the district court of the county upon the following grounds:

1. That the county board had no jurisdiction to act.
2. That it has exceeded its jurisdiction.
3. That its action is against the best interests of the territory affected.

Such appeal shall be taken by serving upon the county auditor within thirty days from the making of the order a notice of appeal, specifying the grounds thereof. The appellant shall also execute and deliver to the auditor a bond to the county in the sum of one hundred dollars, to be approved by the county auditor, conditioned for the payment of all costs taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the county board. (3669; '01 c. 125 s. 1)

84-417, 419, 87+1019.

1286
05 - 326
07 - 109
07 - 188
1286-1294
09 - - 209

1286. Change of boundaries of district—By like proceedings, and upon petition of a majority of the freeholders of each district affected, qualified to vote at school meetings, the boundaries of any existing district may be changed, or two or more districts consolidated, or one or more districts annexed to an existing district. No change in the boundaries of a district by organization of a new district or otherwise shall be made, so as to leave the old district without at least one schoolhouse used for school purposes, nor shall any change of districts in any way affect the liability of the territory so changed upon any bond or other obligation; but any such real estate shall be taxed for such outstanding liability and interest as if no change had been made. In case of the consolidation or annexation of districts, whether under the foregoing or any other provisions of law, actions shall be brought by or against the new or remaining district upon any cause existing in favor of or against any discontinued district, but a judgment in such action against such existing district shall be satisfied only from taxes upon the real property included in the discontinued district when the liability was incurred. (3659, 3672; '95 c. 110)

1905 c. 46

40-13, 41+539.

1287
101-M - 164

1287. Districts in two or more counties—Whenever the territory affected by any of the foregoing proceedings lies in two or more counties, like proceedings shall be had in each county affected, and no order in such pro-

ceedings shall be valid unless concurred in by the county boards of all such counties. (3670)

1288. Nominal districts—Any district in which for two years no school has been held may be dissolved by the county board, and its territory attached to one or more existing districts, upon notice as in other cases of change of boundaries, in the most equitable manner possible, and with regard to the convenience of the inhabitants; and any funds belonging to such dissolved district after the payment of its debts shall be distributed among such districts by the auditor in proportion to the assessed value of the real property so attached to each. (3675)

07 1288
- 109

1289. Consolidation and annexation of districts by vote—Two or more school districts of any kind may be consolidated either by the formation of a new district; or by annexation of one or more districts to an existing district, as hereinafter provided. ('03 c. 277 s. 1)

05 1289
- 326

1290. Petition and proceedings thereon—Upon presentation to the county superintendent of a petition signed and acknowledged by a majority of the resident freeholders of each district affected, qualified to vote at school meetings, praying such consolidation, he shall within ten days cause ten days' posted notice to be given in each district affected, of an election or a special meeting in such district, at a time and place specified in such notice, to vote upon the question of consolidation. ('03 c. 277 s. 2)

05 1290
- 326

1291. Election or special meeting—The vote at such election or meeting shall be by ballot, which shall read "For Consolidation," or "Against Consolidation." The presiding officer at such meeting or election shall, within ten days thereafter, certify the result of the vote to the superintendent of the county in which such district mainly lies. ('03 c. 277 s. 3)

05 1291
- 326

1292. Order of consolidation—If a majority of votes cast in each district be for consolidation, the superintendent, within ten days thereafter, shall make proper orders to give effect to such vote, and shall thereafter transmit a copy thereof to the auditor of each county in which any part of any district affected lies, and to the clerk of each district affected within his jurisdiction. If the order be for the formation of a new district, it shall specify the name or number of such district, and the superintendent shall cause ten days' posted notice to be given of a meeting to elect officers therefor. ('03 c. 277 s. 4)

05 1292
- 326

1293. Transfer of records, etc.—In case of annexation to an existing district, the proper officers of the annexed districts, within ten days from the receipt of a copy of such order, shall turn over to the proper officers of the remaining district all records, funds, and effects of such annexed districts. In case of the formation of a new district, the proper officers of the discontinued districts, in like manner, and within ten days after the organization of the new district, shall turn over the records, funds, and effects of such old districts to the proper officers of the new district. ('03 c. 277 s. 5)

05 1293
07 - 326
- 109

1294. Same—In case of the formation of a new district, like proceedings shall be had within ten days after the organization of such district, and in all cases of change of boundaries or consolidation of districts the title to schoolhouses and sites shall vest in the district in which such property is included after such change or consolidation; and in case of consolidation the officers of the old districts shall continue to exercise their duties until the officers of the new district qualify.

1295. Change of common or special to independent districts—Any common or special district may be changed to an independent district as hereinafter provided; but no independent district, unless it comprise an entire township or municipality, shall be formed, containing less than five hundred inhabitants. ('95 c. 18; '97 c. 300)

07 1305
- 278

1296. Notice of meeting—To effect such change, ten days' posted notice of a meeting shall be given, signed by six or more resident freeholders, stating the object of the meeting, and notifying the voters of said district to assemble upon a specified day, at a place in said district named in said notice,

then and there to vote by ballot upon the question of organization as an independent district. (3792)

1297. Vote upon change—At the time and place mentioned in said notice, the electors assembled shall appoint a chairman, assistant chairman, and clerk, who shall be the judges of such election. The voting shall be by ballot, and those favoring such change shall write upon their ballots, "Independent district—Yes," and those against, "Independent district—No." (3793)

1298. Meeting to elect officers—If a majority of votes cast be in favor of the change, the clerk shall forthwith give notice thereof to the county auditor, and, within twenty days thereafter, shall call a meeting to elect officers, upon ten days' posted notice, and the same proceedings shall thereafter be had as in the organization of other independent districts; and the officers of the common or special district shall act as officers of the new district until the qualification of officers and organization of the new board. (3794)

1299. Dissolving independent districts—Any independent district may change its organization to that of a common school district by a vote, by ballot, of two-thirds of the electors voting upon the question at any annual or special meeting; notice having been given that such question would be submitted at such meeting. In case of such affirmative vote, the meeting shall elect the proper officers in the same manner as in the organization of a common school district, and the chairman, treasurer, and clerk of the independent district shall be the chairman, treasurer, and clerk, respectively, and shall constitute the board of the common district until their successors shall qualify, and the common district shall in all things be the successor of the independent district. (3812; '97 c. 69)

1300. Rehearing before county board—When the boundaries of any district have been changed by order of the county board, if there shall be filed with the auditor a petition to such board for rehearing, signed by not less than five freeholders, legal voters in said district, the auditor shall present the same to the board at its next meeting. The board shall thereupon set a time and place for rehearing, and shall cause notice thereof to be served on the clerks of the districts affected by such change, and posted as in case of the original petition. The hearing may be adjourned from time to time, and the board shall make such order in the premises as it shall deem just. (3674)

1301. Setting off land to an adjoining district—When any freeholder shall present to the board of any county a petition, verified by him, stating that he owns land in such county adjoining any district therein, or separated therefrom by not more than one quarter section, and that such intervening land is vacant and unoccupied, or that its owner is unknown, and that he desires his said land, together with such intervening land, set off to such adjoining district, and his reasons for asking such change, the board, upon notice and hearing as in other cases, and upon proof of the allegations of the petition, may make its order granting the same, and like notice of such change shall be given as in other cases. (3674; '01 c. 371 s. 2)

1302. Districts to be composed of adjoining territory—All districts shall be composed of adjoining territory, and any part of a district not so situated, and not containing a schoolhouse used as such, shall be by the county board, upon notice as in other cases, attached to a proper district. ('99 c. 293)

1303. Plats and description of districts—The county auditor shall keep in his office books containing a correct plat and description of each district organized, whether wholly or partly in his county. (3650)

1304. Presumption of legal organization—Every school district which for one year shall have exercised the powers and franchises of a district shall be deemed legally organized. (3648)

54-213, 55+1122; 65-406, 68+66.

1305. School meetings—The annual meeting of all common and independent districts shall be held on the third Saturday in July, at 7 o'clock p. m., unless a different hour has been fixed at the preceding annual meeting,

upon ten days' posted notice given by the clerk, and specifying the matters to come before such meeting; but the failure of the clerk to give such notice, or to specify the business to be transacted thereat, shall not affect the validity of any business, except the raising of money to build or purchase a schoolhouse, the authorizing of an issue of bonds, the fixing of a schoolhouse site, the organization as an independent district, or the change from an independent to a common district. The boards of education or trustees in special school districts may fix the time of the annual meeting, when so authorized by vote of the district: Provided, that the polls at all school meetings shall be held open at least one hour. (3677, 3794; '97 c. 305)

1306. Special school meetings—Upon the written request of five freeholders and voters of a district, specifying the business to be acted upon, the clerk shall call a special meeting of such district upon ten days' posted notice and one week's published notice, if there be a newspaper printed in such district, and shall specify in such notice the business named in such request, and the time and place of meeting. If there be no clerk in the district, or if he fails for three days after receiving such request to give notice of such meeting, it may be called by like notice signed by five freeholders and voters of the district. No business except that named in the notice shall be transacted at such meeting. (3704)

45-88, 47+462.

1307. Records to be evidence—The records of all school districts and boards, and all transcripts thereof, or of any part thereof, certified by the clerk or other officer having custody thereof, shall be prima facie evidence of the facts therein stated, and all records, books, and papers of such district or board shall be subject to the inspection of any voter of the district. (3803)

12-17, 1; 17-412, 391.

1308. Powers of annual meeting—The annual meeting shall have power:

1. To appoint a moderator, and a clerk pro tem. if the clerk be absent; but in independent districts the chairman of the board shall preside, instead of a moderator.

2. To adjourn from time to time.

3. To elect by ballot officers of the district.

4. To designate a site for a schoolhouse, and provide for building or otherwise placing a schoolhouse thereon, when proper notice has been given; but a site on which a schoolhouse stands or is begun shall not be changed, except by a vote therefor, designating the new site, of a majority of the legal voters of the district who have resided therein not less than six months prior to the vote, and of two-thirds of the voters voting upon the question, except that, in districts having but one schoolhouse, if such schoolhouse be more than one-half mile from the center of the district, such site may be changed to a more central location by a majority vote of those present and voting on the question of change.

5. To repeal and modify their proceedings from time to time, in accordance with the powers herein conferred. (3677; '03 c. 38)

Subd. 3 (77-167, 79+668; 61-259, 63+638). Subd. 4 (71-311, 73+956). Subd. 5 (12-17, 1).

1309. Additional powers of meetings in common school districts—In addition to the foregoing powers, any common school district at its annual meeting, or at a special meeting when proper notice has been given, may vote a sufficient fund for maintenance of its schools and for all other proper purposes, appoint a librarian, and make rules for the use and management of the library, and direct the school board to make designated improvements to school property, and to provide free text-books for the schools. (3677)

1310. Election of officers in certain districts—In any common school district containing over three hundred voters, in counties having a population of more than fifty thousand and less than one hundred thousand, the school board shall divide the district for the purpose of electing officers, voting on the issue of bonds, or other matter specifically submitted for vote by ballot,

into precincts for each three hundred voters, or major fraction thereof. The voters present at the opening of the polls shall choose a moderator and two clerks, who shall forthwith certify the result of the vote to the clerk of the district. Such vote shall be canvassed and the result announced at the annual meeting, except in case of a special election, when the same shall be canvassed by the district officers as soon as practicable after the receipt of the returns. Such regular elections shall be held on the Saturday preceding the annual meeting, and at the same hour and upon the same notice, and no matter except the election of officers shall be voted upon at such meeting, unless specified in the notice. ('03 c. 385)

09 1311
09 - - 187
09 - - 238
09 - - 240

1311. Districts of ten or more townships—Trustees, how elected—In all common school districts embracing ten or more townships, the trustees shall be elected biennially at the general state election, two trustees at every such election; the term of office of one to commence August 1 in the year following his election, and that of the other August 1 in the second year following his election; the time of the commencement of the term of each to be indicated on the ballot. The vote shall be returned and canvassed, and the persons elected notified, in the same manner as in the election of county officers. But a separate ballot box shall be used, and voters need not register. ('03 c. 38)

07 1312
09 1312
09 - - 255
09 - - 351

1312. School board—The care, management, and control of common and independent districts shall be vested in a board of trustees, to be known as the school board, whose term of office shall be three years and until their successors qualify.

09 1313
- - - 187

1313. School board of common school districts—The school board of each common school district shall consist of a chairman, a treasurer, and a clerk. At the first meeting of the district, the chairman shall be elected to hold until August 1 following the next annual meeting, the treasurer for one year from such date, and the clerk for two years. (3678; '03 c. 38)

1314. School board of independent districts—The school board of each independent school district shall consist of six directors. At the first meeting of the district, six directors shall be elected, two to hold until August 1 following the next annual meeting, and two to hold until the expiration of one year, and two until the expiration of two years, from said August 1; the time which each director shall hold being designated on the ballot. (3794)

05 1315
- - - 251
09 1315
- - - 277

1315. Organization of school boards in independent districts—Within ten days after the election of the first school board in independent districts, and annually thereafter on the first Saturday in August, or as soon thereafter as practicable, the board shall meet and organize by choosing a chairman, a clerk, and treasurer, who shall hold their offices for one year, and until their successors are elected and qualified. They may also elect a superintendent, who shall hold office during the pleasure of the board. He shall be ex officio a member of the board, but not entitled to vote therein. (3796)

09 1316-1317
- - - 187

1316. Vacancies—A vacancy in any school board or board of education elected by the people shall be filled by the board at any legal meeting thereof until such vacancy can be filled by election at the next annual meeting. Such appointment shall be evidenced by a resolution entered in the minutes. All elections to fill vacancies shall be for the unexpired term. ('99 c. 193)

1317. Special election to fill vacancy—If the board shall fail for ten days to fill any vacancy, a special meeting may be called for that purpose by ten days' posted notice, signed by three qualified voters, freeholders or householders of the district, and setting forth the object of the meeting. Officers elected at such meeting shall hold for the unexpired term, but no such meeting shall be held within thirty days before the annual election. (3679)

1318. Acceptance of office—All persons elected or appointed district officers shall, within ten days after notice of such election or appointment, file with the clerk or secretary of the district his acceptance of the office and his official oath, or be deemed to have refused to serve, but such filing may be made at any time before action to fill the vacancy has been taken. (3680)

1319. Quorum—A majority of the school board shall constitute a quorum, but no contract shall be made or authorized except at a meeting of the board of which all members have had legal notice. (3681, 3798)

35-163, 27+922; 37-96, 33+217.

1320. Powers and duties of school board—The school board shall have the general charge of the business of the district, and of the schoolhouses and the interests of the schools thereof, and shall:

1320
09 - - 52
09 - - 374

1. When authorized by the voters at a regular meeting, or a special meeting called for that purpose, may acquire necessary sites for schoolhouses by lease, purchase or condemnation under the right of eminent domain; erect, lease or purchase necessary schoolhouses or additions thereto; and sell or exchange such schoolhouses or sites, and execute deeds of conveyance thereof. In any city or village such site, when practicable, shall contain at least one block, and, if outside of any city or village, two acres; and, when any schoolhouse site shall contain less than such amount, the board shall, if practicable, acquire other land adjacent to or near such site to make, with such site, such amount.

2. Purchase, sell, and exchange school apparatus, furniture, stoves, and other appendages for schoolhouses.

3. Provide proper outhouses for the schools, plant shade trees and shrubbery, and otherwise improve school sites, procure insurance on school property, and make proper ordinary repairs thereon.

4. When necessary, lease rooms for school purposes.

5. Employ and contract with necessary, qualified teachers, and discharge the same for cause.

6. Provide for the heating and care of schoolhouses and rooms.

7. Provide for the payment of all just claims against the district in cases provided by law.

1320 (7)
09 - - 308

8. When directed by a vote of the district, or when the board deems it advisable, adopt, contract for, and purchase text-books needful for the schools of the district, and provide for the free use of such books by the pupils of such schools, or their sale to them at cost; but no such adoption or contract shall be for less than three or more than five years, during which time such books adopted shall not be changed.

9. Defray the necessary expenses of the board, including three dollars per day for attending one meeting of the school boards of the county in each year, when called by the county superintendent, and five cents per mile in going to and returning from such meeting, and pay for such record books, stationery, and other incidental matters as may be proper.

10. Superintend and manage the schools of the district, adopt, modify, or repeal rules for their organization, government, and instruction, and for the keeping of registers, prescribe text-books and courses of study, and visit each school at least once in three months.

11. In all proper cases, prosecute and defend actions by or against the district. (3808, 3817, 3897, 3900; '97 c. 205)

See 1905 c. 268

Subd. 1 (54-385, 55+1112; 83-111, 85+932; 93-409, 101+952). Subd. 4 (7-203, 145). Subd. 5 (93-411, 101+619). Subd. 11 (91-41, 97+416). Presumption that board acts within its authority (83-111, 85+932; 91-41, 97+416; 93-409, 101+952).

1321. Same—The school board may also:

1. Provide for the admission to the schools of the district of non-resident pupils and those above school age, and fix the rates of tuition for such pupils.

2. Establish and organize, alter and discontinue, such grades of schools as they may deem expedient.

3. Upon a petition of a majority of legal voters authorize the use of any schoolhouse in the district for divine worship, Sunday schools, public meetings, elections, and such other similar purposes as, in their judgment, will not interfere with its use for school purposes; but, before permitting such use, the board may require the bond of some responsible party, in the penal sum of one hundred dollars, conditioned for the proper use of such school-

1321
05 - - 326
07 - - 445

house, the payment of all rent, and the repair of all damage occasioned by such use, and they shall charge and collect for the use of the district from the persons using such schoolhouse such reasonable compensation as they may fix.

4. Provide for the free transportation to and from school, at the expense of the district, of pupils residing more than one-half mile from the schoolhouse, for the whole or such part of the school year as they may deem expedient, and subject to such rules and regulations as they may adopt; and they shall require from every person employed for that purpose a reasonable bond for the faithful discharge of his duties, as prescribed by the board.

5. Make rules and regulations respecting the protection of the property of the district, and prescribe penalties for a breach thereof, to be recovered for the use of the district as penalties in other cases before a justice of the peace, and change or repeal such rules. (3682-3684, 3697, 3698, 3808; '97 c. 205; '01 c. 262 s. 6)

1322. Instruction of pupils in adjoining district—The school board of any district, if it deem it advisable, may provide for the instruction of its pupils in an adjoining district or districts, and in such case shall discontinue the schools of the district and provide for free transportation of the pupils of its district, shall furnish the teachers of the adjoining districts registers, and such teachers shall keep such registers separately for the pupils from such district discontinuing its schools, and shall return such registers and make reports to the clerk of such district and to the superintendent as if employed as teachers therein, and such district shall retain its organization and be entitled to public money as if school were continued therein. ('03 c. 61)

1323. Additional powers of boards in independent districts—The school board of any independent district may also:

1. Establish and maintain public evening schools as a branch of the public schools, and such evening schools, when so maintained, shall afford a continuous session of not less than two hours on each school day, shall be available to all persons over ten years of age who from any cause are unable to attend the public day schools, and attendance at such evening schools shall entitle such district maintaining the same to its pro rata apportionment of state school funds for all pupils not over twenty-one years of age, the same as if such pupils attended the day schools of such district. Except as herein provided, such evening schools shall be under the same regulations as day schools of like grade.

2. Establish and maintain one or more kindergartens for the instruction of children above four and under six years of age.

3. Receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose, and apply the same to the purpose designated.

4. Remove for proper cause any member or officer of the board, and fill the vacancy; but such removal must be by a concurrent vote of at least four members, at a meeting of whose time, place, and object he has been duly notified, with the reasons of such proposed removal, and after an opportunity to be heard in his own defence. (3796; '01 c. 136)

1324. Special duties of boards in common school districts—The school board of every common school district shall submit to the annual school meeting an estimate of the expenses of the district for the coming year for a five-months school, and for such further time as it may be decided by the meeting to hold school, and for such other specified purposes as the board may deem proper, and, if such meeting shall fail to vote a sufficient tax to maintain a school for such time, the board shall levy such tax; but no such school board shall expend any money or incur any liability for any purpose beyond the sum appropriated by vote of the district for such purpose, or levied by the board pursuant to this section, or on hand and applicable thereto. When the district has decided by vote at any legal meeting to open more than one school, the board shall provide for opening such school or schools, and assign to each a proper number of pupils. (3686, 3687)

31-227, 17+373; 87-234, 236, 91+842:

1325. Special duties of boards in independent districts—In addition to the duties hereinbefore imposed, the school board of each independent school district shall:

1. Make, and, when deemed advisable, change or repeal, rules relating to the organization and management of such board and the duties of its officers.
2. Provide by levy of tax necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the district. (3808)

71-283, 291, 73+970; 87-234, 91+842.

1326. Duties of clerk—The clerk shall keep in books provided for that purpose a record of all meetings of the district and the board. He shall, within three days after the meeting, notify all persons elected upon any school board or as officers of any district of their election, and, on or before August 10 in each year, make and transmit to the county superintendent a certified report, showing:

1. The condition and value of school property.
2. The receipts and disbursements in detail, and such other financial matters as may be called for by the state superintendent.
3. The annual arrangement of terms of school, and the grading, if any, thereof.
4. The names and postoffice addresses of all trustees and other officers.
5. Such other items of information as may be called for by the state superintendent.

He shall enter in his record book copies of all his reports and of the teachers' term reports, as they appear in the registers, and of the proceedings of any meeting as furnished him by the clerk pro tem., and shall keep an itemized account of all the expenses of the district; and in common districts he shall report to the county superintendent the time of commencement of each term at least two weeks in advance. He shall furnish to the county auditor or auditors of the proper county or counties, on or before October 10 of each year, an attested copy of his record, showing the amount of money voted by the district or the board for school purposes; shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers or for teachers' wages, to be countersigned by the chairman. Such orders shall state the consideration, payee, and fund, and the clerk shall take a receipt therefor. Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages from the current school fund shall be used for any other purpose, nor shall teachers' wages be paid from any fund except that raised or apportioned for that purpose. (3678, 3703, 3713, 3802; '01 c. 350)

To certify tax levy to auditor (75-456, 471, 78+115). To draw orders on treasurer (31-333, 17+866).

1327. Duties of treasurer—The treasurer shall receive and be responsible for all moneys of the district, and shall disburse the same on orders signed by the clerk and countersigned by the chairman, or other vouchers authorized by law. Each order shall state the fund on which it is drawn, the name of the payee, and the nature of the claim for which such order is issued. He shall keep an account of each fund, and of all receipts and disbursements, showing the source of such receipts, and the nature and purpose of such disbursements, and, within three days preceding the annual meeting, shall file with the clerk a detailed financial statement of the district, showing all receipts and disbursements, and the nature of the same, the moneys on hand, and the purpose to which the same are applicable, the credits of the district, and its outstanding liabilities, and the nature thereof. Such report, together with his vouchers, shall be examined by the board, and, if found correct, approved by resolution entered in the records. If incomplete or inaccurate, a further or amended report may be required by the board. Such report, when complete, shall be laid before the annual meeting, to be in like manner approved. He shall make such further reports as may from time to time be called for by the board, and shall perform all duties usually incumbent on such officer. (3701, 3702)

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1328. Treasurers' bonds—Every school district treasurer shall give bond to the state in a sum equal to twice the amount of money that will probably come into his hands during his term, to be approved by the board and filed with the clerk, conditioned for the faithful discharge of his official duties. The chairman and clerk may at any time require such treasurer to give a new bond, and, upon his failure to give bond as required by this section, they may declare the office vacant, and appoint a successor. (3700)

44-427, 46+914; 72-37, 74+1024; 86-188, 192, 90+371.

1329. Penalty for failure to pay teachers' wages—Any treasurer who uses money applicable for teachers' wages for any other purpose shall be personally liable to any teacher who becomes entitled to any part of such funds for such amount, to be recovered in a civil action against such treasurer and the sureties on his official bond. (3713)

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1330. Duties of chairman—The chairman, when present, shall preside at all meetings of the board and of the district, except when a moderator has been chosen; shall countersign all orders upon the treasurer for claims allowed by the board; shall represent the district in all actions; and shall perform all the duties usually incumbent on such officer. (3699, 3702, 3804)

1331. Duties of superintendent—The superintendent in independent or special districts shall visit the schools of the district, and exercise a general supervision over them, and report their condition to the board, with proper recommendations, when he deems it advisable, or when requested by the board. He shall superintend the grading of the schools and examinations for promotion, and shall perform such other duties as the board shall prescribe. He shall make, either directly to the state superintendent, or through the county superintendent, such reports as shall be required. (3800)

1332. Compensation of officers—Clerks of common districts—The clerk of each common district shall be paid at the rate of two per cent. of the cash disbursements for the year, upon making his annual report to the superintendent as required by law accurately and in proper time; but such compensation shall not exceed six dollars in any one year, unless a greater compensation has been voted at a meeting of the district upon a notice stating that action would be had at such meeting respecting such increase of compensation. Such payment shall be made by the treasurer upon a certificate of the superintendent that such clerk is entitled thereto. (3707)

1333. Compensation of treasurer—The treasurer of such district may receive as compensation such an amount as may be determined at the regular school meeting of the district not exceeding two per cent. of amounts disbursed by him during the year and to be allowed only after his annual report shall have been approved by the board. (3701; '97 c. 198)

1334. Same—Independent districts—Other pay prohibited—The clerk, treasurer, and superintendent of independent districts shall receive such compensation as may be fixed by the board. No officer or member of any school board shall receive pay as such, except as provided in this chapter. (3796, 3797)

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1335. Opinion of attorney general—If any difference of opinion arises between school officers, or any doubt as to the proper construction of any part of this chapter, or as to their powers or duties, the state superintendent, at the request of any such officer, shall submit such question to the attorney general, who shall give his written opinion thereon to such superintendent, and such opinion shall be binding until annulled or overruled by a court. (3714)

CONDUCT OF SCHOOLS

1336. General control of schools—The teacher shall have the general control and government of the school. When more than one teacher is employed in any district, one of the teachers may be designated by the board as principal, and shall have the general control and supervision of the schools

of the district, subject to the general supervisory control of the board and other officers.

1337. Length of school—The schools shall be maintained not less than five nor more than ten months, but this provision shall not apply to night schools or kindergartens. The school month shall consist of four weeks. Every Saturday shall be a school holiday, and all legal holidays shall be counted as a part of the school week. (3695; '01 c. 218)

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1338. Instruction in public schools—The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; and in high and graded schools other languages may be taught, when made part of a regular or optional course of study. Instruction may also be given in such languages in common schools, not to exceed one hour in each day, by unanimous vote of the trustees. (3697)

1339. Classes of schools—District schools are divided into four classes, as follows: (1) High schools; (2) graded schools; (3) semi-graded schools; and (4) common schools.

1340. High schools—The following are the requisites of a high school:

1. It shall be in session not less than nine months in the year.
2. It shall admit, free of tuition charge, students of either sex resident in the state, but those only who shall pass a proper examination in arithmetic, spelling, English grammar, reading, writing, geography, and United States history.

3. It shall have regular and orderly courses of study, embracing all the branches prescribed by the state high school board, and requisite for admission to the collegiate department of the state university, and an optional English or business course in addition thereto or in lieu thereof.

4. It shall be subject to such rules and regulations, consistent with the provisions of law, as may be prescribed by the state high school board, and shall be open to visitation at all times by any members of such board, and by any inspector thereof. ('99 c. 352 ss. 3-5)

1341. Graded schools—Graded schools include all schools below high schools which—

1. Are in session at least nine months in the year;
2. Are well organized, having at least four departments in charge of a principal holding a state professional certificate, or a graduate from the advanced course of a state normal school or of a reputable college or university;
3. Have a suitable schoolhouse and other necessary buildings, a substantial library, and necessary apparatus for efficient work; and
4. Have regular and orderly courses of study, embracing all such branches as may be prescribed by the high school board. ('99 c. 352 ss. 11, 12)

1342. Semi-graded schools—Common schools—A semi-graded school is one not complying with the foregoing provisions, but which—

1. Maintains a school for at least eight months in a year;
2. Is well organized, with at least two departments in the charge of proficient teachers, one at least of whom holds not less than a first-grade certificate;
3. Has a suitable school building, outhouses, or other necessary accommodations, and a library and apparatus necessary for doing efficient work; and
4. Has a regular and orderly course of study, and shall comply with the rules established by the state superintendent.

All other district schools are common schools. ('99 c. 352 ss. 16, 17; '01 c. 138)

TEACHERS—EXAMINATIONS AND CERTIFICATES

1343. Qualified teachers—A qualified teacher is one holding a certificate or license to teach, as hereinafter provided, in the school or grade for which

he is employed. Contracts for teaching can only be made with qualified teachers. Contracts made with persons before obtaining such certificates or licenses shall only be valid from the time of obtaining the proper certificate or license. (3748) See 1905 c. 137

12-448, 337; 27-433, 8+146; 90-111, 95+881.

1344. Hiring of teachers—School boards shall hire teachers at meetings called for that purpose. No teacher related by blood or marriage to a trustee shall be employed, except by a unanimous vote of the full board. The employment shall be by written contract, signed by the teacher, and, in common districts, by at least two of the trustees; in special and independent districts, by the chairman and clerk. Such contract shall specify the time of employment, and the wages per month. (3694)

39-499, 41+103; 77-469, 80+354; 93-411, 101+619.

1345. Keeping of registers—Every teacher shall keep a register, furnished by the clerk, showing the daily attendance of each pupil, and such other matters as may be required in such register. He shall also keep such record of department and scholarship as may be required by the board. The register shall show the names and ages of all pupils, the names and number of days' attendance of all pupils between the ages of five and eight years, between eight and fifteen years, and between fifteen and twenty-one years, and the names of all paying tuition. In common districts the teacher shall return such register properly kept to the clerk within ten days after the close of the first term of the school year. (3694, 3759)

1346. Teachers' reports—Such teacher shall, within the same time, make his report to the county superintendent upon blanks furnished by the superintendent through the clerk, giving the names in full of all pupils enrolled, with the number of days' attendance of each, checking with a cross (X) the names of all under six, over twenty-one, or paying tuition, and the names so checked shall not be counted for apportionment. Within like time after the close of each succeeding term, he shall make a further report, showing in like manner all additional enrolments during such term, the number of days that each pupil has attended in such term, and such other matters as may be called for in the blanks. The superintendent shall receipt for such reports. No order shall be issued for the payment of the wages of any teacher while he is in default in making such reports or in returning his register. In joint districts a report shall be made to the superintendent of each county, showing the county in which each pupil resides. The teachers and principals in other districts shall make such reports as may be required by law or the rules of the board, under like penalty. (3759)

1347. Instruction in morals, etc.—The teachers in all public schools shall give instruction in morals, in physiology and hygiene, and in the effects of narcotics and stimulants. (3889-3896)

1348. Teachers' examinations—The county superintendent shall hold at least two examinations a year in convenient places in his county, upon such notice as may be prescribed by the state superintendent. The time of such examinations shall be fixed by the state superintendent, and shall be uniform throughout the state, and shall determine the educational qualification of applicants for teachers' certificates. The school board of any district in which any such examination is appointed shall allow the free use of any schoolhouse or schoolrooms for that purpose, upon ten days' notice of selection from the county superintendent. ('99 c. 101 s. 5)

1349. Conduct of examinations—Such examinations shall be public, and shall be conducted by the county superintendent, or by persons appointed by him, strictly according to the regulations prescribed by the state superintendent. An affidavit may be required of persons conducting such examinations that they have been conducted fairly and according to such regulations. Teachers taking part therein may dismiss their schools for not to exceed two days in each year without loss of time. ('99 c. 101 s. 5)

1350. Branches of examination—All applicants for certificates shall be examined in the following branches: Reading, spelling, writing, arithmetic, grammar, United States history, composition, geography, physiology, civil government, and practical hygiene. Applicants for a first grade certificate shall also be examined in elementary algebra, plane geometry, physical geography, and physics; but the state superintendent may, in his regulations, designate other branches that may be taken in lieu of physical geography, physics, and plane geometry, at the option of the applicant. Applicants for any grade may, at their option, be examined in music, drawing, and such languages as may be prescribed by the state superintendent. Applicants for special certificates shall be examined in all the branches required for second grade certificates, and in such other branches as they wish to be specially authorized to teach. ('99 c. 101 s. 6; '01 c. 160 s. 2)

1351. Marking on examination—The written answers for the scholastic examination shall be read and marked under the direction of the state superintendent. Markings for the professional requirements shall be given by the county superintendent, who shall also be the judge of skill in teaching and moral character of applicants. ('99 c. 101 s. 1)

1352. High and normal school certificates may be accepted, when—Certificates from state high or normal schools, showing a standing of not less than seventy-five per cent., may be received by the state superintendent, under such conditions as he may prescribe, in place of such examination. ('99 c. 101 s. 6; '01 c. 160 s. 2)

1353. State examinations—State examinations for professional certificates shall be held by the state superintendent, or by a committee of three competent teachers appointed by him, at such times and places as he may direct. (3749; '01 c. 367 s. 1)

1354. Same—Such examinations shall include, in addition to the branches required for a first grade certificate, the following:

1. Educational science, including (1) history of education, (2) psychology, (3) general pedagogy, and (4) school organization and law.

2. Mathematics, including (1) higher algebra, (2) solid geometry, and (3) trigonometry, plane and spherical.

3. English, including (1) English and (2) American literature, and (3) rhetoric.

4. History, (1) ancient (to A. D. 800), (2) mediaeval, (3) English, and (4) American.

5. Science, including botany, chemistry, physics, geology, and physiography, astronomy, zoology, and political science. ('99 c. 101 s. 6; '01 c. 160 s. 2)

1355. Certificate and diploma in place of examination—A first grade state certificate, and a diploma from the academic department of a reputable college or university, with proof of one year's successful teaching in this state, shall be accepted in place of an examination in all such branches. (3749; '01 c. 367 s. 1)

1356. Expenses of examinations, etc.—The local expenses of such examinations shall be paid by the county in which they are held; the expense incurred by the state superintendent under the provisions of this chapter, not to exceed twenty-five hundred dollars per year, shall be paid out of the fund for conducting teachers' institutes. ('99 c. 101 s. 10)

1357. Teachers' certificates—There shall be five grades of regular teachers' certificates: Third grade, second grade, first grade, second grade professional, and first grade professional. No certificate shall be granted except on satisfactory proof of professional ability and moral character. Provided, that the state superintendent of public instruction may in his discretion issue certificates of qualification without examination to persons who have taught in public schools of this state for five or more years, upon their filing with said superintendent of public instruction a written application approved by the board of education or school trustees, together with the

city superintendent or county superintendent, under which said applicant shall have taught the greater part of five years preceding the date of application.

1358. Third grade certificates—Third grade certificates may be given by the county superintendent when he deems it necessary, upon his own examination, for a term of one year, in a designated district or school. Such certificate shall not be renewed without re-examination, and no teacher shall receive more than two such certificates in the same county. ('99 c. 101 s. 3; '01 c. 160)

1359. Second grade certificates—Second grade certificates shall be given to persons otherwise qualified, not less than eighteen years of age, and of at least five months' successful experience in teaching. Such certificates shall be signed by the state and county superintendent, and shall be valid for two years in the county designated, and in any other county upon indorsement by the county superintendent thereof. ('99 c. 101 ss. 1, 3; '01 c. 160 s. 1)

1360. First grade certificates—First grade certificates shall be given to persons otherwise qualified, and of at least eight months' successful experience in teaching. Such certificate shall be signed by the state and county superintendents, and shall be valid for five years in any county of the state, upon presentation thereof to the county superintendent of such county. ('99 c. 101 ss. 1, 3; '01 c. 160 s. 1)

1361. Certificates and diplomas to have the force of certificates—Certificates of graduation in the department of pedagogy of the state university, issued to those who are graduates from its college of science, literature and art, and diplomas of the state normal schools shall be valid as first grade certificates for two years from their date, and, at the expiration of two years of actual successful teaching, such diploma in the elementary course, indorsed by the president of the school granting it and the state superintendent, shall have the force of a first grade certificate for five years, and the diploma in the advanced course, so indorsed, of a first grade certificate for life. (3840, 3841; '95 c. 181; '97 c. 20)

1362. Renewal and validity of certificates—First and second grade certificates may be renewed as prescribed by the state superintendent, and shall be valid in all grades below the high school unless the school board of any district, by formal action, decide otherwise, and except as otherwise expressly provided in this chapter. ('99 c. 101 ss. 4, 8)

1363. Limited second grade certificates—Limited second grade certificates, good for one year, may be given by the county superintendent to persons without experience, not less than seventeen years of age, who have passed the required examination. ('99 c. 101 s. 3)

1364. Appeals—Any person to whom a certificate is refused may, within ten days from the receipt of notice of refusal, appeal to the state superintendent, and, when such refusal is for failure to pass the scholastic examination, he may on appeal have his papers reviewed and marked by the instructors in the corresponding branches of the state university, and such review and marking shall be final. ('99 c. 101 s. 7)

1365. Revocation of certificates—The county superintendent under whose supervision any teacher is employed, for good cause, and upon notice to the teacher of the grounds of complaint, and after opportunity to defend, may revoke his authority to teach, except in case of teachers holding professional certificates or their equivalents. Any person whose authority to teach is so revoked may appeal to the state superintendent in time and manner as from a refusal to grant a certificate. In case the superintendent refuses to annul any certificate upon complaint of the board of the district employing such teacher, the board may appeal in like time and manner. Such superintendent may also cite for examination any such teacher, and, upon his failure to submit to such re-examination or to pass the same satisfactorily, shall revoke his authority, subject to the right of appeal as in other cases. He shall file

in the office of the district clerk a statement of such revocation, and the grounds thereof, and shall deliver a copy thereof to the teacher, whose authority shall cease from the time of filing such statement. (3753; '99 c. 101 s. 2)

32-476, 21+554.

1366. Professional certificates—Permanent teachers of high character and successful experience may be granted first grade professional certificates, upon passing the examination or furnishing the evidence hereinafter provided for such certificates. Such certificate shall authorize the holder to teach in any school in the state, upon presenting the same to the superintendent having supervision of such school, and shall remain in force as long as its holder is engaged in educational pursuits, but shall be void after he shall cease for three years so to do, unless it be renewed by indorsement of the state superintendent. (3749; '01 c. 367 s. 1)

1367. Second grade professional certificates—A second grade professional certificate may be granted to any such teacher who passes a successful examination on all the branches included in subdivision 1, and in six branches included in the other subdivisions of § 1354, to be selected by him. (3749; '01 c. 367 s. 1)

1368. First grade professional certificates—A first grade professional certificate may be granted to any such teacher who passes a satisfactory examination in all the branches of subdivision 1, in two of those in each of subdivisions 2 and 3, and in three of those in each of the other subdivisions of § 1354, or furnishes the evidence of qualification made equivalent to such examination. (3749; '01 c. 367 s. 1)

1369. Certificates and diplomas equivalent to first grade professional certificates—Certificates of graduation in the department of pedagogy of the state university, upon proof of two years' successful teaching, and indorsement by the state superintendent and the president of the university, shall have all the force of first grade professional certificates, subject to the same rules. (3841; '95 c. 181)

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1370. Professional permits—The state superintendent may grant to teachers, who lack not more than three of the branches required for a professional certificate, professional permits good for one year, which shall confer during such time the same authority to teach as a professional certificate. (3749; '01 c. 367 s. 1)

1371. Certificates may be suspended or revoked—For good cause, any professional certificate, or its equivalent, or any professional permit, may be suspended by any county superintendent under whom the holder thereof is teaching. Such superintendent shall forthwith notify the teacher and the state superintendent of such suspension, and the state superintendent shall forthwith order such teacher to show cause before him, at a time and place specified, why his authority to teach should not be revoked, and shall notify such county or other superintendent of such hearing. Upon such hearing the state superintendent may either annul such order of suspension, or revoke the authority of such teacher, and such teacher shall be entitled to a speedy hearing. If the order be annulled, such teacher shall be entitled to full pay during the time the order was in force. (3842)

1372. Special certificates—The state superintendent may grant special certificates authorizing the holder to teach, in high or graded schools, music, drawing, any specified language, or other special branch or branches, either for a term of years or for life, to teachers passing satisfactory examination in the branches required for a second grade certificate and the special branch or branches which such teacher is authorized to teach. Such certificate shall be granted for life only upon proof of at least two years' successful experience in teaching such branch or branches, but the holder of a limited special certificate may, upon proof of such successful teaching, without further examination, be granted a special life certificate for such branch or branches.

SUPERINTENDENTS

1373. **School superintendents**—The general supervision of public schools is vested in a state superintendent, to be known as the superintendent of public instruction, county, city, and district superintendents, and the state high school board and its inspectors.

STATE SUPERINTENDENT

1374. **Appointment and term—Deputy, etc.**—The state superintendent shall be appointed by the governor, by and with the advice and consent of the senate, for the term of two years, beginning on the first Tuesday in April following his appointment. Vacancies in said office shall be filled by like appointment for the remainder of the term. He shall have an office in the capitol, where he shall file and keep all papers, reports, and public documents made or transmitted to him, and a record of all his official business. He shall appoint a deputy, who shall perform his duties when absent or disabled, and at other times such services as he may require. He may employ other necessary assistants from time to time and prescribe their compensation, not exceeding, in the aggregate, the moneys appropriated therefor. (3718-3722)

1375. **Salaries and expenses—Standing appropriation**—He shall receive a salary of three thousand dollars per year, payable in monthly instalments, and his necessary expenses for travel, postage, stationery and other disbursements of his office shall be paid by the state; but such expenses shall not exceed one thousand dollars in any year, exclusive of clerical help, which shall not exceed sixteen hundred dollars per annum. The salary of the deputy superintendent shall be eighteen hundred dollars per year. There is hereby appropriated annually out of the treasury, for the payment of salaries of the superintendent and his deputy, forty-eight hundred dollars; for the expenses aforesaid one thousand dollars; and for clerk hire sixteen hundred dollars. (3720, 7956, 7961, 7965; '03 c. 252)

1376. **To meet county and other superintendents**—The state superintendent shall meet the several county and other superintendents at such times and places in the several judicial districts as he shall deem most beneficial, upon proper notice, for the purpose of considering and discussing any matters affecting the interest of the public schools. (3723)

1377. **Report**—He shall prepare on or before December 5 of each even-numbered year, and submit to the legislature, through the governor, a report containing:

1. An abstract of the reports of the several county superintendents, showing the number of organized districts of each class, the number of schools taught, and the enrolment and average attendance in them.

2. A statement of the condition of public schools and of other institutions of learning reporting to him.

3. The amount of school moneys collected and expended each year, specifying the amount received from each source, and the amount expended for each purpose.

4. The names and number of schools of each class receiving state aid, the number of pupils attending the classes in each, and the probable amount required for such aid during the next ensuing two years for schools of each class.

5. All matters relating to his office, the public schools, the school fund, the number and character of the teachers, and such other matters as he may deem expedient. (3734; '99 c. 352 s. 27)

1378. **Blanks for school use**—He shall prepare and distribute, through the county superintendents, school registers, blanks for all reports required by this title, record books for district treasurers and clerks, and any other blanks necessary for school business. (3735)

COUNTY SUPERINTENDENTS

1379. Duties—In addition to their other duties, county superintendents shall visit and instruct each school in their counties at least once in each term, except those under the immediate charge of a city or district superintendent, and instruct its teachers; organize and conduct such teachers' institutes as they shall deem expedient; encourage teachers' associations; advise teachers and school boards in regard to the best methods of instruction, the most approved plans for building, improving, and ventilating schoolhouses, or ornamenting school grounds, and of adapting them to the convenience and healthful exercise of the pupils; stimulate school officers to the prompt and proper discharge of their duties; receive and file all reports required to be made to them; and make a report to the state superintendent, containing an abstract of such reports, a written statement of the condition and prospects of the schools under their charge, and such other matters as they may deem proper, or as may be called for by the state superintendent. (3743)

1380. Meetings of district officers—The county superintendent may call meetings of the district officers of his county at such times and places as may be convenient, to remain in session for one day, for consultation and advice in regard to school statistics, methods of organization of schools, and other matters relating to the educational interests of the public schools. (3743)

1381. Records—The county superintendent shall keep in books provided by the county a record of examinations of candidates to whom certificates are granted or refused, of the date of examination, the name, sex, and age of each candidate, the grade of certificate granted, and the grounds on which any certificate is refused, and a like record of all certificates of those teaching in his county, and of such other matters as may be prescribed by the state superintendent. (3751)

32-476, 21+554.

See 1905 c. 137

1382. Blanks—He shall forward to teachers and clerks all blanks and circulars furnished him for their use, and shall be guided generally by the rules prescribed by the state superintendent and the high school board. (3754)

1383. Report to state superintendent—He shall report to the state superintendent, on or before September 20 of each year, the number of different pupils of school age enrolled in the schools of each district; taking care that no pupil is counted more than once, and that no one not entitled to appropriation is included. This report shall include tabulated extracts from the reports of the teachers and clerks, and such other matters as may be called for in the blanks. (3755)

1384. Report to auditor—He shall in like manner, on or before the last Wednesday in October, file with the county auditor an abstract of the number of pupils of school age enrolled in the schools of each district, and entitled to be counted for appropriation from the current school fund, and of months' school taught in each school during such school year. (3756)

1385. Failure to report—No warrant shall be drawn for the payment of the salary of the county superintendent for the month of October of any year unless such report to the auditor shall have been filed, and proof made of the filing of such superintendent's report to the state superintendent. (3786)

1386. Deputy superintendent—Any superintendent physically unable to visit his schools or conduct teachers' examinations in proper time may appoint a deputy superintendent for not more than sixty days in any year, to be paid by such county superintendent. (3757)

1387. Assistant superintendent—In counties containing one hundred or more schools under his supervision, the county superintendent may appoint an assistant superintendent, to be approved by the county board. Such assistant shall perform such duties as may be directed by the superintendent,

and shall report to him. Such assistant shall be paid by the county at the rate of three dollars per day and necessary traveling expenses for each day of actual service, such service to be limited to forty days in each year, and one day additional for each school above one hundred. In counties having one hundred and seventy-five schools or more, such assistant shall assist the superintendent in the performance of his general duties as directed, and shall report to him, and shall receive a salary to be fixed by the county board, but not to exceed fifteen hundred dollars per year. (3758)

See 1905 cc. 156, 190

TOWN SUPERINTENDENTS

1388. Election—Term—Each organized town in school districts containing twenty or more townships shall elect at its annual town meeting a town superintendent. His term of office shall be for one year and until his successor qualifies. His compensation shall be fixed by the town meeting, and shall remain as so fixed until changed by a subsequent meeting, and shall be paid out of the town funds. ('03 c. 43 ss. 1, 2)

1389. Duties—The town superintendent shall advise the school board in regard to the location, erection, and repair of school buildings, the improvement of school sites, the employment of teachers, the furnishing of school supplies, and all other matters relating to the schools in the town. He shall look after truants, visit the schools, attend meetings of school officers called by the county superintendent, report from time to time to the school board the condition of schools in his town, with such suggestions in regard to their improvement as he may deem proper, and, when authorized by the school board, make contracts for fuel and other necessary supplies for the schools in his town, and for ordinary repairs for the schoolhouses. ('03 c. 43 s. 1)

HIGH SCHOOL BOARD

1390. Composition—The state superintendent, the president of the state university, and the president of the board of normal school directors, ex officio, and the superintendent or principal of a high school, and one other person appointed by the governor and confirmed by the senate, shall constitute the high school board. They shall be entitled to their actual necessary expenses, but no compensation. ('99 c. 352 s. 1; '01 c. 148 s. 1)

1391. Duties—The board shall establish rules relating to examinations, reports, acceptances of schools, and courses of study, and other proceedings in connection with high and graded schools applying for special state aid, and shall prescribe and enforce the maintenance of an optional English or business course, as equivalent to the preparatory collegiate course; but the school board of any district may substitute any proper studies in place of any studies embraced in such course. ('99 c. 352 s. 3; '01 c. 148 s. 2)

1392. Records and reports—It shall keep a record of all its proceedings, and on or before September 1 shall make a report to the state superintendent covering the previous year, and showing in detail:

1. All receipts and disbursements, with the source and nature thereof.
2. The names and number of schools of each grade receiving aid, and the number of pupils attending each class therein.

To such report it may add such recommendations as it may deem best. ('99 c. 352 s. 4)

1393. Appointment of inspectors, assistants, and examiners—It shall appoint a high school and a graded school inspector, and such assistant inspectors and examiners as may be necessary, and fix their compensation; but no person receiving a salary from a state institution shall receive any compensation under this section, and the pay of examiners shall not exceed three dollars per day, or fifty cents per hour. ('99 c. 352 s. 2)

See 1905 c. 296 s. 3

1394. Duties of inspectors and assistants—The high school inspector or an assistant shall visit and examine each high school at least once in each

year, and carefully inspect its instruction and discipline, and immediately make a written report thereon. The graded school inspector and his assistants shall perform like duties in respect of graded schools. ('99 c. 352 ss. 2, 8)

1395. When county superintendent may make inspection—Upon written application, such board shall empower any county superintendent to make like examinations of schools in his county other than high and graded. He shall hold the same relation to the board as the principal or superintendent of schools under its supervision, and shall establish a regular and orderly course of study, meeting the requirements of such examinations and tests. Such course shall include all the branches required for a second grade certificate, and such others as may be taught in the schools under his supervision. ('95 c. 17)

1396. Assistants—He may appoint assistants, not to exceed one for each four townships, and shall designate the points at which such examinations are to be held, not to exceed one for each four townships. The assistants shall report the result of the examinations to him, and he shall in like manner report to the board. Such assistants shall be paid by the county at the rate of three dollars per day for the time necessarily occupied in such examinations. ('95 c. 17)

07 1396 311

SCHOOL FUNDS

1397. State apportionment of school funds—The state superintendent shall apportion the available current school fund among the counties on the first Monday of March and of October in each year, in proportion to the number of scholars of school age entitled to apportionment therein. No scholar shall be counted more than once in any county, which shall be in the district in which his parents or guardians reside, if such scholar has attended school and is entitled to apportionment therein. But no district shall be entitled to any portion of said fund that has not had at least five months of school term within the year, conducted pursuant to the provisions of this chapter, nor shall any district be entitled to any part of said fund for any pupil who has not attended school at least forty days within such year. (3759, 3760)

1398. State auditor to draw warrant—Standing appropriation—Upon receiving a copy of such apportionment, the state auditor shall draw his warrant on the state treasury, payable to the state treasurer, for the amount due each county. The state treasurer shall apply such amount in his semiannual settlement with each county named in the apportionment, and, if the amount due any county shall exceed the amount due from such county for state taxes, shall forthwith transmit to the county treasurer the amount of such excess. There is hereby annually appropriated from the current school fund the amount of such apportionments. (3761, 3762)

1399. County apportionment—The county auditor on the last Monday in March and October of each year shall apportion among the districts entitled thereto the amount apportioned from the current school fund, and the amount received from liquor licenses, fines, estrays, and other sources, belonging to the general school fund, upon the same basis provided for the state apportionment, and such money shall be used only for the payment of teachers' wages; but no district shall receive any part of the money received from liquor licenses unless all sums paid for such licenses in such district are apportioned to the county school fund, and no district shall receive in any year from the apportioned fund a greater amount than that appropriated by such district from its special and local one-mill tax for that year, unless such district has levied for such year the maximum amount allowed by law for school purposes. (3763)

1400. Apportionment to schools in new districts—Any district which for the first year after its organization has made provision for a four-months school by the levy of a sufficient tax, and has maintained a legal school for one month, shall receive its share in the first succeeding apportionment, in

proportion to its actual enrolment. Such enrolment shall be reported as in other cases, and the number of pupils so returned shall be included by the state superintendent and the county auditor in their apportionment. (3763; '97 c. 49)

1401. Report of county apportionment, etc.—The county auditor, on the first Wednesday after such apportionment, shall report to the state superintendent the amount apportioned to each district, the sources from which such money was received, the aggregate number of pupils in the county, and the number of districts sharing in the apportionment. He shall also, immediately after the qualification of the county superintendent, report to the state superintendent his name and postoffice address. (3764, 3765)

PENALTIES

1402. Excluding or expelling pupils—Any member of any public school board or board of education of any district, who, without sufficient cause, or on account of race, color, nationality, or social position, shall vote for, or, being present, shall fail to vote against, the exclusion, expulsion, or suspension from school privileges of any person entitled to admission to the schools of such district, shall forfeit to the party aggrieved fifty dollars for each such offence, to be recovered in a civil action. (3777)

1403. Improper classification—No district shall classify its pupils with reference to race, color, social position, or nationality, nor separate its pupils into different schools or departments upon any of such grounds. Any district so classifying or separating any of its pupils, or denying school privileges to any of its pupils upon any such ground, shall forfeit its share in all apportioned school funds for any apportionment period in which such classification, separation, or exclusion shall occur or continue. The state superintendent, upon notice to the offending district, and upon proof of the violation of the provisions of this section, shall withhold in the semiannual apportionment the share of such district, and the county auditor shall thereupon exclude such district from his apportionment for such period. (3777)

1404. Refusing to serve on school board—Any person accepting an election or appointment upon any school board, and refusing or neglecting to qualify or to serve, or to perform any of the duties of such office, shall forfeit for each offence the sum of ten dollars, to be collected in an action before a justice of the peace, to be prosecuted in the name of the district by its director or other proper officer, or by any freeholder thereof. (3782)

. 31-227, 17+373.

1405. Failure of clerk to report—Any clerk of a school district who fails to make any report required of him by law shall forfeit not less than five dollars nor more than fifty dollars for the use of the district. (3783)

1406. Drawing illegal order—Any school district clerk who shall illegally draw an order upon the treasurer, any chairman or other officer who shall attest such order, and any school district treasurer who shall knowingly pay the same, shall each forfeit to the district twice the amount of such order, to be collected in an action brought in the name of the district by any freeholder thereof. (3784)

31-333, 17+866.

1407. Neglecting to keep or deliver records—Any school district clerk who shall neglect to keep the books and records of his office in the manner prescribed by law, or shall wilfully refuse to deliver such books and records to his successor in office, shall forfeit to the use of the district the sum of ten dollars for each offence. (3785)

1408. Failure of auditor to report—Any county auditor who shall fail to make to the state superintendent of public instruction any report of apportionment required by law shall forfeit for the benefit of the school fund of the county the sum of fifty dollars. (3787)

1409. Failure of county superintendent to report—Any county superintendent who shall fail to report to the county auditor the abstract of district clerks' and teachers' reports required by law, or to make his statistical report to the state superintendent, shall forfeit to the school fund of the county for each such omission fifty dollars, to be deducted from his salary by the county board. (3786)

1410. Dealing in school supplies—No teacher, nor any state, county, town, city, or district school officer, shall be interested directly or indirectly in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which he is connected. Any person violating any of the provisions of this section shall forfeit not less than fifty dollars nor more than two hundred dollars for each such offence. But this section shall not apply to a teacher who may have an interest in the sale of any book of which he himself is the author. (3788)

1411. Duty of officers to report violations of law—Every officer to whom reports are required by this chapter to be made, and for the failure to make which a penalty or fine or forfeiture is provided, shall give immediate written notice of such failure to the delinquent and to the proper county attorney. Such county attorney shall thereupon institute proper proceedings to collect such penalty, fine, or forfeiture. Upon complaint of the county superintendent, or whenever it comes to his knowledge that any school officer has violated any provision of this chapter, for which violation a penalty, fine, or forfeiture is provided, such attorney shall institute like proceedings. (3789)

31-227, 17+373.

SCHOOL TAXES

1412. State school tax—There shall be levied annually upon the taxable property of the state a tax of one and twenty-three one-hundredths mills on the dollar, to be known as the state school tax, of which one mill on the dollar shall be added to the general school fund, which shall then be known as the current school fund, and the remainder of such tax shall be added to the university fund. (3768; '97 c. 75)

1413. County school tax—District tax—The county auditor shall extend upon the tax lists of the county, in the same manner as district school taxes are extended, a tax of one mill on the dollar of the taxable property in each district, to be known as the county school tax, and be credited to the school district in which the property taxed is situated. The tax levied by school districts shall be known as the district school tax. (3768; '97 c. 75)

07 1413 76

1414. District school tax—In common districts such district school tax shall not exceed fifteen mills on the dollar for the support of the schools, or ten mills for the purchase of school sites and the erection and equipment of schoolhouses; but in such districts in which such ten-mill tax will not produce six hundred dollars, a greater tax may be levied for school sites and buildings, not to exceed twenty-five mills on the dollar, nor six hundred dollars in amount. In common districts having less than ten voters the district school tax shall not exceed three hundred dollars. In independent districts no tax in excess of eight mills on the dollar shall be levied for the purchase of school sites and the erection of schoolhouses. In special districts such amounts may be levied as may be allowed by special law at the time when the Revised Laws take effect. (1558, 3677, 3807; '99 c. 117)

1414 05 - 69
07 - 76
07 - 404
1414 09 - - 458

87-234, 91+842.

See 1905 c. 25

1415. Same in certain districts—In all districts having fifty thousand inhabitants or more there may be levied, independently of and in addition to other sums for school purposes authorized by law, an amount not to exceed three mills on the dollar, for the purchase of school sites and the erection, repair, furnishing, and fitting of school buildings and the general maintenance of the schools, which amount, to the extent of two and one-half mills only, may be appropriated to general maintenance, and the remainder to one or more of such other uses: Provided, that the total levy in any such district for the

1415 07 - 76
07 - 308

maintenance of the schools shall not exceed eight mills on the dollar. ('99 c. 77; '01 c. 30)

See 1905 c. 25

79-201, 81+912.

STATE AID

07 1416 56
07 - - 304

1416. Standing appropriation for schools—There is hereby appropriated annually out of any moneys in the state treasury not otherwise appropriated the following sums:

09 1416 247

1. For aid to high schools, two hundred and seventeen thousand dollars.
2. For aid to graded schools, seventy-nine thousand dollars.
3. For aid to semi-graded schools, sixty-seven thousand dollars.
4. For aid to common schools, one hundred thousand dollars.
5. For necessary expenses of high school board, and salaries and expenses of high and graded school inspectors and examiners, ninety-five hundred dollars, to be drawn from the appropriation for high and graded schools in proportion to the amounts respectively apportioned to each.

Such sums, or such part of said sums as may be necessary, together with any further sums appropriated for such aid, shall be available August 1 of each year. ('99 c. 352 s. 28; '03 c. 184 s. 2)

See 1905 cc. 142, 296, 320

07 1417 304

1417. Apportionment—The board shall apportion the amount appropriated for such schools equally among the high schools and the graded schools entitled thereto, but no high school shall receive more than fifteen hundred dollars per year, nor any graded school more than five hundred and fifty dollars per year; nor shall the amount so paid any high school exceed its actual expenditure for such work, exclusive of building and repairs, nor shall any graded school connected with, or in the same district with, an aided high school, share in such apportionment. ('99 c. 352; '03 cc. 184, 366)

09 1417 334

See 1905 c. 320

1418. Limit of high schools aided—Not more than seven high schools in the same county shall be included in any apportionment, and any high school so included shall receive aid for at least two years, if it continues to comply with the requirements of law and to do efficient work. In case any high school in a county already having seven aided high schools shall apply for aid, the board may admit such school to apportionment in place of the first school that has received such aid for two years. ('99 c. 352; '01 c. 19 s. 1)

1419. Payment of apportioned fund—The high school board shall certify to the state auditor the schools to which it has apportioned the appropriation, and the amount apportioned to each. The auditor shall draw his warrant on the state treasurer for the amount due on account of each school, and transmit the same to the proper school board.

1420. Additional aid to certain high schools—Standing appropriation—In addition to the amount hereinbefore provided, seven hundred and fifty dollars a year is hereby appropriated out of the general revenue fund to each high school having a four-years course, and organized classes in each of the four grades therein, which shall provide special normal instruction in the common branches. The schools entitled to such aid shall be determined annually by the high school board, and the money paid in the same manner as provided in case of other high schools. ('03 c. 359)

07 1421 304

1421. What common schools may receive aid—Districts which have maintained, for not less than eight months in the preceding school year, a school in charge of a teacher holding at least a first grade state certificate, and which have a suitable school building, library, and other apparatus and conveniences, and are doing efficient work, may receive state aid for each such school in said district. ('99 c. 352 s. 23)

09 1421 334

See 1905 c. 296

1422. Application for aid to semi-graded and common schools—Any district desiring aid for a semi-graded or common school may make application therefor to the county superintendent. If he approve the same, he shall indorse his approval thereon, and attach thereto his certificate that such

school fully complies with the requirements of law and is entitled to such aid, and forward the same to the state superintendent. ('99 c. 352 ss. 18, 24)

1423. Apportionment—The state superintendent shall annually apportion to such semi-graded and common schools as he shall find entitled to state aid the amount appropriated for such schools, in equal amounts to all schools of the same class, but no semi-graded school shall receive more than two hundred and fifty dollars, nor any common school more than one hundred and twenty-five dollars, in any apportionment. The state superintendent shall certify to the state auditor a list of the districts of each class to which such aid is apportioned, and the amount apportioned to each. Such amount shall be paid in the same manner as state aid to high schools. ('99 c. 352 ss. 19, 26)

07 1423 - 304
09 1423 - 334

SCHOOL LIBRARIES AND TEXT-BOOKS

1424. Library board—The state superintendent and the presidents of the normal schools shall constitute a state library board. Such board shall from time to time prepare and amend a list of books suitable for school libraries, including dictionaries and other books of reference, histories, and works of biography, literature, political economy, agriculture, travel, and science. They shall advertise in at least two leading papers for rates at which such books will be furnished to districts, and make contracts with the lowest responsible bidders for a period not to exceed two years. (3715, 3736)

1424-1426
09 - - 144
1426

1425. State aid—Upon receiving from any district a certified statement, approved by the county superintendent, showing the purchase of books under such contracts, the appointment of a librarian for each library, and the making of proper provisions for the care thereof, and for the free distribution of books suitable for distribution, the state superintendent shall furnish such district a requisition on the state auditor for one-half the purchase price, not exceeding twenty dollars for the first year's purchase, and ten dollars for any subsequent year for each separate school for which a library is so furnished. (3716; '95 cc. 85, 86)

1426. Standing appropriation—The sum of ten thousand dollars, or so much thereof as may be necessary to carry out the provisions of §§ 1424, 1425, is hereby annually appropriated.

05 1426 - 22

1427. Text-books—Lists and samples—Before any person shall enter into a contract with any school board to furnish text-books, he shall file with the state superintendent a list of his books, with their lowest net price, and deposit with him a copy of each such book, in binding, paper, print, and matter such as he proposes to furnish at such prices. The state superintendent shall furnish a copy of all such lists and prices to the clerk of each district. (3899, 3900)

1428. Free text-books—Meeting—Notice—Whenever five or more legal voters of any school district shall petition the school board to submit to such district the question of providing free text-books to pupils attending its schools, it shall be the duty of such board to submit the same to the legal voters of such district. Such question may be submitted at a special meeting by giving ten days' notice thereof, or at any annual meeting. But in any case the notice of such meeting shall call attention to the fact that such question will be submitted, and in case a majority at such meeting shall vote in favor of such free text-books, it shall be the duty of the board to provide the same. (3900)

TRAINING OF TEACHERS

1429. Instrumentalities—For the special training of teachers for the public schools, there are established: (1) Teachers' institutes; (2) training schools; (3) normal schools.

1430. Institutes—Duty of state superintendent—The state superintendent shall provide for teachers' institutes and training schools in the several counties of the state, for the instruction and training of teachers in professional and academic work. He shall designate the county or counties for

09 1430 - 4

which such institute or training school is to be held, and the time and place of holding the same, and assign instructors and lecturers therefor. Each institute shall continue for at least four days, and each training school not less than four nor more than six weeks. (3724, 3727)

1431. Duties of county superintendents—The superintendent of each county for which such institute or school is appointed shall give notice thereof to the teachers of his county, and shall attend and take part in the exercises, and make necessary arrangements therefor. (3725)

1432. Use of schoolhouses—The school board of any district in which any institute or training school is held shall allow the free use of any schoolhouse or schoolrooms for that purpose, upon ten days' notice of selection from the county superintendent: Provided, that such use shall not interfere with the sessions of school. (3745)

73-375, 76+43.

1433. Appropriation by counties—The county board of any county for which such institute or training school is appointed may appropriate therefor out of the county revenue fund a reasonable sum, to be expended by the county superintendent. Within one week after the close of such institute or school, the superintendent shall pay into the county treasury any unused part of such appropriation, and shall file with the county auditor an itemized statement of the disbursement thereof, with proper vouchers. (3724, 3725)

1434. Schools may be closed—Any teacher may close his school for the purpose of attending any institute appointed for his county, and he shall be allowed to make up the time so lost upon presenting to the clerk of the district a certificate, signed by the county superintendent, attesting said teacher's attendance at the institute. (3730)

1435. Standing appropriation—For the support of institutes and training schools, the sum of twenty-seven thousand dollars is hereby annually appropriated out of the revenue fund. Such money shall be paid to the state superintendent monthly upon expense accounts, certified by him, and approved by the state auditor, and accompanied by proper vouchers. Such account shall show the name of each person rendering service or furnishing supplies, the nature of such service and its rate, the quality, kind, and price of supplies, and the amount to which each person is entitled. Upon approval of such expense account, the state auditor shall draw his warrant on the treasury for the amount due thereon, and may include in such warrant a further sum, not to exceed twenty per cent. of such account, for the payment of accruing expenses in the next succeeding month. (3726)

1436. Normal schools—The normal schools of the state shall be known as the "Winona State Normal School," the "Mankato State Normal School," the "St. Cloud State Normal School," the "Moorhead State Normal School," and the "Duluth State Normal School," respectively. (3833, 3834; '95 c. 184)

1437. Model schools—The normal school board may organize model schools in connection with each normal school, for illustrating methods of teaching and school government only. (3844; '99 c. 358)

1438. Tuition—There shall be no charge for tuition or incidental expenses to students in normal schools who file with the president of the school board a declaration of intention to teach in the public schools of the state for not less than two years after leaving such school. The board shall fix rates of tuition for other students, and for pupils in the model schools. (3845)

1439. Normal school board—The educational management of the normal schools is vested in a board of eight directors, who, with the state superintendent, shall constitute the normal school board. Such directors shall be appointed by the governor, subject to confirmation by the senate, for a term of four years. The governor shall in like manner fill for the unexpired term all vacancies in the board. There shall be one director resident in each county in which a normal school is located, and no two shall be residents of the same county. (3835)

See 1905 c. 119

1440. Annual meeting and officers—The annual meeting of the board shall be held on the first Tuesday in June. At such meeting it shall choose by

ballot a president, whose term of office shall be for two years, and until his successor qualifies. In case of vacancy, the governor shall appoint one of the directors president until the next annual meeting, and until his successor qualifies. The state superintendent shall be secretary of the board. (3837)

1441. Duties of board—The board shall have the educational management, supervision, and control of the normal schools, and of all property appertaining thereto. It shall appoint all presidents, professors, and teachers therein, and fix their salaries, but the salary of any president shall not exceed three thousand dollars per annum. It shall prescribe courses of study, conditions of admission, prepare and confer diplomas, report graduates of the normal department, and adopt suitable rules and regulations for the schools. It shall, as a whole or by committee, visit and thoroughly inspect the grounds, buildings, modes of instruction, discipline, and management of each school, at least once in each term. It shall report to the governor annually, on or before December 1, the condition, wants, and prospects of each school, with recommendations for its improvement. (3843)

07 1441 - 164

1442. Report to state superintendent—The president of each normal school shall make an annual written report to the state superintendent on or before September 1, covering the term year of his school, and setting forth its general statistics, enrolment in each department and in each class of the normal department, average attendance, the number graduating within the year, the number of teachers, the departments of each, and the general condition of its buildings, library, and apparatus, the number and names of all graduates then engaged in teaching, as far as known to him, and the district or county in which each is teaching, and such other matters and suggestions as he may deem of interest to the public, or conducive to the good of the school. (3843)

1443. Compensation of board—The directors shall be reimbursed for their actual expenses while engaged in duty for the normal schools out of the current funds belonging to such schools. (3849)

1444. Standing appropriation—The following sums are hereby appropriated annually from the state treasury for current expense and maintenance of the normal schools: At St. Cloud, twenty-two thousand dollars; at Winona, twenty-four thousand dollars; at Mankato, twenty-four thousand dollars; at Moorhead, sixteen thousand dollars.

07 1444 - 164

COMPULSORY EDUCATION

1445. Children to be sent to school—Every person having under his control a child between the ages of eight and sixteen years shall send him to some school in which the common English branches are taught during the entire time the public schools of the district in which he lives are taught, unless such attendance is excused in whole or in part by the school board or board of education of such district, as hereinafter provided. ('99 c. 226 s. 1)

09 1445-1451 - 400

See 1905 c. 265

1446. Excusing attendance—Such board may excuse such attendance when satisfied—

1. That the child is in such bodily or mental condition as to prevent his attendance at school or application to study for the period required.
2. That he is properly taught at home or elsewhere in the common branches.
3. That he has already acquired such branches.
4. That he is engaged in some useful occupation.
5. That there is no public school within reasonable distance of his residence.
6. That such person is unable, on account of poverty, to properly clothe such child. ('99 c. 226 s. 1)

See 1905 c. 265

1447. Duties of chairman—The chairman of each school board shall investigate all cases of violation of the provisions of §§ 1445, 1446, and secure prosecutions therefor when proper. Any such officer neglecting to secure such prosecution within ten days after service on him by any taxpayer of the district of written notice of such offence, unless the person complained of

is legally excused, shall be liable to a fine of not less than twenty dollars nor more than fifty dollars. (3780)

07 1448 356
1448. Truant officers—The board of any district may appoint and remove at pleasure truant officers, who shall investigate all cases of truancy or non-attendance at school, make complaints, serve notices and process, and attend to the enforcement of all laws and school regulations respecting truant, incorrigible, and disorderly children, and school attendance. Whenever any truant officer learns of any case of habitual truancy or continued non-attendance of any child hereby required to attend school, he shall immediately notify the person having control of such child to forthwith send to and keep him in school. He may arrest without warrant and take to school any such child, and shall act under the general supervision of the board, or, when directed by the board, under that of the city or district superintendent. Such officers shall receive a salary, fixed by the board appointing them, but no fees. ('99 c. 226 s. 2; '01 c. 156)

1449. Truant schools—Such board may maintain ungraded schools for the instruction of children of the following classes, between eight and sixteen years of age:

1. Habitual truants.
2. Those incorrigible, vicious, or immoral in conduct.
3. Those who habitually wander about the streets or other public places during school hours, without lawful employment.

All such children shall be deemed disorderly, and the board may compel their attendance at such truant school, or any department of the public schools, as the board may determine. ('99 c. 226 s. 3)

1450. Commitment to state training school—Whenever the board determines that the foregoing provisions have been found inadequate to secure the attendance at school of any such disorderly child, or that he is beyond proper control in the truant or other school to which he has been assigned, it shall direct the truant officer to make complaint to a court or magistrate having jurisdiction over misdemeanors in such district or city. Such court or magistrate shall thereupon issue a warrant for the arrest of such child, and proceed to a hearing on such complaint, and if, upon such hearing, the court or magistrate shall decide that such child is disorderly and beyond the proper control of the schools of the district, and under sixteen years of age, he shall sentence him to the state training school; but in case of a first conviction the court, in its discretion, may suspend the sentence. ('99 c. 226 s. 4; '01 c. 156 s. 2)

1451. Penalty—Any person who shall fail or refuse to send to or keep in school any child of whom he has legal charge or control, and who is required by law to attend school, when notified by a truant officer so to do, and any person who induces or attempts to induce any such child unlawfully to absent himself from school, or who knowingly harbors or employs, while school is in session, any child unlawfully absent from school, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed fifty dollars, or by imprisonment in the county jail for not more than thirty days. All such fines, when collected, shall be paid into the county treasury for the benefit of the school district in which such offence is committed. ('99 c. 226 s. 5; '01 c. 156 s. 2)

FARMERS' INSTITUTES

07 1452 435
1452. Board of administration—Superintendent—The board of administration of farmers' institutes shall consist of six members, three of whom shall be regents of the university, selected by and holding office at the pleasure of the board of regents, and the remaining three, at the time of their taking office, shall be the presidents, respectively, of the state agricultural society, the state dairy association, and the state horticultural society; and they shall serve for three years, and until their successors qualify. When the term of any of the last three mentioned members expires, he shall be succeeded on the board by the person then president of the organization through which he became a member. The board shall elect from among its number a president

and a secretary, and from outside its number a superintendent, whose term of office shall be two years, but who may be removed at the pleasure of the board. He shall receive a salary of fifteen hundred dollars per year, and his expenses necessarily incurred in the performance of his duties. ('03 c. 221 ss. 4, 5, 6, 9)

1453. Duties of the board—The board shall arrange the institute circuits to be held annually, determine where and when the institutes shall be held, audit the accounts of the superintendent at the close of each fiscal year, such auditing to be final, and file them with the state auditor, and publish annually a handbook of practical agriculture, entitled "Farmers' Institute Annual," for free distribution among the farmers of the state. The expense of this publication shall be met from the annual appropriation hereinafter made. ('03 c. 221 ss. 7, 10, 11)

07 1453
- 435

1454. Institutes, their character and object—The dissemination of practical knowledge concerning agriculture, horticulture, and stock and dairy farming shall be the sole objects of the institutes. They shall be held at times and places most convenient to the farmers, and each meeting shall occupy from one to three days, with sessions mornings, afternoons, and, when practicable, evenings. All sessions shall be free and public, and shall consist of practical lectures on subjects pertaining to farm and home, with addresses, discussions, and illustrations of methods adapted to our agriculture. ('03 c. 221 s. 12)

1455. Superintendent's duties—The superintendent shall assist the board in arranging institute circuits, superintend the several institutes, engage instructors therefor, examine all bills for expenses and services payable out of appropriations for such purposes, and at the end of each fiscal year make a detailed report to the board of all institutes held under his direction, including therein the items of such expenses and services. ('03 c. 221 ss. 7, 8)

07 1455
- 435

1456. Standing appropriation—The sum of eighteen thousand dollars is hereby annually appropriated for the purposes of such institutes. No warrant shall be issued for such purpose unless the claim be approved by the superintendent and by the president of the board. The average cost of the institutes for the necessary traveling expenses and board of the instructors, and their compensation, shall not exceed one hundred and fifty dollars, the expenses incurred in preliminary work not included. No money shall be spent for hall rent, fuel, lights, local advertising, or for the compensation of instructors other than those regularly employed. Expenses as allowed in this chapter for carrying on the institute work of the board, when made prior to August 1 in any calendar year when the legislative appropriation for said year has been exhausted, may be paid from an appropriation already made and to become due on said August 1, and shall not be construed as creating a deficiency. ('03 c. 221 ss. 1-3, 9)

ACTIONS AND JUDGMENTS

1457. Actions by districts—Any school board may prosecute actions in the name of the district in the following cases:

1. On a contract made with the district, or with the board in its official capacity;
2. To enforce a liability, or a duty enjoined by law, in its favor or in favor of the district;
3. To recover a penalty or forfeiture given by law to it or to the district; or
4. To recover damages for an injury to the rights or property of the district. (3817)

1458. Actions against districts—An action may be brought against any school district, either upon a contract made with the district or its board, in its official capacity, and within the scope of its authority, or for an injury to the rights of the plaintiff arising from some act or omission of such board, whether the members of the board making the contract, or guilty of the act or omission complained of, be still in office or not. (3818)

35-309, 29+135; 49-106, 51+814; 54-385, 55+1112; 79-14, 81+533; 82-516, 85+518; 91-41, 97+416; 93-409, 101+952.

1459. Judgment paid by treasurer—Except as hereinafter provided, no execution shall issue upon any judgment against a school district for the recovery of money. Unless the same be stayed by appeal, the treasurer shall pay such judgment, upon presentation of a certified copy thereof, if he has sufficient money of the district not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection be afterward stayed. (3820)

33-298, 300, 39+801; 43-495, 45+1097.

1460. Failure to pay—Tax levy—If such judgment is not satisfied, or stayed by appeal or otherwise, before the next annual meeting of the district, a certified copy thereof may be presented at its annual meeting, whereupon the district shall cause the amount of the judgment, with interest, to be added to the tax of said district. If such tax is not levied and certified to the county auditor on or before October 1 next after presentation as aforesaid, a certified copy thereof may be filed with such auditor at any time before he has extended the tax of such district, with an affidavit showing the amount remaining unpaid thereon, and the fact of such presentation to the district. Thereupon the auditor shall at once levy and extend such amount as a tax upon the property taxable within the district. (3821, 3822)

1461. When execution may issue—If the judgment is not paid within thirty days after the time when the proceeds of such levy become payable by the county treasurer of the district, execution may be issued thereon, to which any property belonging to the district shall be liable. (3823)

1462. Action when trustees resign, etc.—In case the trustees of any school district which has contracted an indebtedness shall remove or resign, and none are elected or appointed in their stead, an action to recover such indebtedness may be begun by service of the summons upon the county auditor, and any taxpayer of the district may defend such action in its behalf, or the auditor may be required by the voters of the district to defend the same upon being indemnified against the costs and expenses of such defence. (3824-3827)

1463. Judgment, how satisfied—If judgment is recovered in any such action, the auditor, upon a certified copy thereof being filed with him, shall levy and extend upon and against the property taxable within the district an amount sufficient to pay the same, with interest. When such tax, or any part thereof, is collected, the county treasurer shall pay the same to the holder of the judgment until it is satisfied in full. And for this purpose the treasurer may use any money coming into his hands from taxes levied prior to the judgment for the payment of the same indebtedness. (3828, 3829)

STATE ART SOCIETY

1464. Objects—Membership—Reports—The Minnesota state art society shall advance the interests of the fine arts, develop the influence of art in education, and foster its introduction into manufactures, and all moneys and property received by it shall be devoted solely to those ends. The society shall have a seal, and shall report in writing annually to the governor. Its membership shall consist of a governing board and of honorary, life, and annual members, to all of whom certificates of membership shall be issued. No member shall receive compensation as such. A suitable room in the capitol shall be furnished to the society for its meetings and as a depository for its property. The works of art acquired by the society shall be the property of the state. ('03 c. 119 ss. 1, 4, 6, 7, 14, 17, 19, 20)

1465. Governing board—The governing board of the society shall consist of the governor and the president of the state university, as ex officio members, and seven other members, appointed by the governor by and with the advice and consent of the senate, each for the term of four years and until his successor qualifies. Included among such appointees there shall at all times be four artists or connoisseurs of art, one architect, one person prominently identified with education, and one directly interested in manufactures. The art workers' guild of St. Paul, the fine arts society of Minneapolis, and

the art committee of the Minnesota federation of women's clubs may submit lists of names to the governor from which he may make these appointments. Vacancies shall be filled, within one month, by like appointment for the unexpired terms, from the classes to which the retiring members belonged. ('03 c. 119 ss. 2-4)

1466. Organization, powers and duties—The board shall elect a president, a vice-president, a secretary and a treasurer, who shall also be such officers of the society; the last two offices may be held by the same person. Four members shall constitute a quorum. The board may adopt by-laws and rules for the transaction of its business and the government of the society, hold and manage its gifts, bequests, and property, and do all things necessary to the performance of the duties prescribed in this subdivision. It may confer prizes, mentions, medals, and diplomas for works of art in painting, sculpture, architecture, and manufacture when in competition under its rules; and it shall act as an advisory committee in the selection of works of art purchased by the state, and of designs for state public buildings. ('03 c. 119 ss. 5, 6, 18)

1467. Membership—When the board shall approve of any work of art, its author, upon payment of a fee of one hundred dollars, or upon presentation of the work to the society, shall be entitled to honorary membership therein. Upon recommendation of the governor, or of four members of the board, or of four honorary members of the society, and the payment of a fee of one hundred dollars, any person, if elected by the society, shall be entitled to life membership therein. Upon recommendation of a member of the board, or of an honorary member, and the payment of a fee of two dollars, any person, if elected by the society, shall be entitled to annual membership therein. ('03 c. 119 ss. 8-10)

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1468. Standing committees—Powers and general duties—The following committees, of three members each, shall be appointed by the board from among its appointed members: (1) An art lectureship committee, which shall provide an annual course of lectures on art or kindred subjects, to be delivered in whole or in part before the students of the state university, the agricultural school, the normal schools in turn, and the state teachers' association; this committee shall advise with the officers of state educational institutions and superintendents of public schools as to courses in drawing, design, and art; (2) an exhibition committee, consisting of artists or judges of art, who shall provide an annual art exhibit, no two of which shall be held successively in the same city, of paintings, sculpture, drawings, carvings, pottery, tiling, cabinet work, wrought metal designs, exhibits of textile fabrics, and all art craft which in the judgment of the society tends to enhance the beauty and value of home manufactures; and (3) an art collection committee, which shall take charge of all works of art acquired by the society, and which, upon consent of the board, may purchase works of art whenever there shall be a sufficient surplus in the treasury, and may lend any or all of such collection in different parts of the state, according to the rules of the board. ('03 c. 119 ss. 11-13, 15-17)

1469. Annual exhibit—At each annual exhibit prizes shall be offered out of any moneys appropriated therefor to an amount determined by the board for the best original work done by a citizen of the state. Such prizes shall be given for paintings, sculptures, decorative designs, architectural drawings or models, and manufacturing designs or products. No work of art shall be exhibited unless it has been accepted by the exhibition committee. No member of such committee, and no relative by blood or marriage of any such member, shall be eligible to any such prize. ('03 c. 119, ss. 12, 16, 17)

STATE UNIVERSITY

1470. Board of regents—The government and general educational management of the state university is vested in a board of twelve regents, consisting of the governor, the state superintendent, the president of the university, ex officio, and nine other regents appointed by the governor, by and with the advice and consent of the senate. Such board shall be a body cor-

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porate under the name of the "University of Minnesota." It shall have a common seal, and alter the same at pleasure. (3904, 3905)

See 1905 c. 119

1471. Term of office—Vacancies—The term of office of the regents shall be six years, and until their successors qualify, beginning on the first Wednesday in March succeeding their appointment. Any appointment to fill a vacancy shall be for the unexpired term. (3905)

1472. Officers—Meetings—Bonds—The board shall elect one of its members as president, and also a recording secretary and treasurer, neither of whom may be a regent, and in its discretion it may elect a vice-president. They shall hold office during the pleasure of the board. The annual meeting shall be held on the second Tuesday in December. Such special meetings may be held as the board may direct. Before entering upon the duties of his office, the president shall file with the secretary of state a bond to the state in the sum of ten thousand dollars, and the treasurer a bond in the sum of fifty thousand dollars, both to be approved by the governor, conditioned for the faithful performance of the duties of their respective offices. (3906, 3907, 3911)

1473. Duties of board—The board shall enact by-laws for the educational government of the university, and shall elect proper professors, including a professor in Scandinavian language and literature, teachers, officers, and employees, and fix their salaries and terms of office, determine the moral and educational qualifications of applicants for admission, prescribe text-books and authorities and courses of study, and, in their discretion, confer such degrees and diplomas as are usual in universities. It shall have supervision and control of the agricultural experiment station, and of the experimental tree station, and, with the advice of the president and secretary of the state horticultural society, shall appoint a superintendent of such tree station, who shall report to the board as it may direct, and to such society annually in person at its winter meeting. (3907, 3915, 3918)

1474. Surveys and reports—It shall continue until completed all surveys and statistics as now provided by law, and make annual reports thereof to the governor, on or before the second Tuesday in December, showing the progress of the work, with necessary and proper maps, drawings, and specifications, and shall lay the same before the legislature. Upon the completion of any separate portion of such surveys, it shall prepare a final report, embodying all important matters relating to such portion, and submit the same in like manner, and, upon final completion of any survey, shall in like manner make a final report thereof. (3928, 3929, 3934, 3935, 3946, 3954)

1475. Specimens—The board shall cause proper collections, skillfully prepared, secured, and labeled, of all specimens discovered or examined in such surveys, to be preserved in the university, in convenient rooms, and in charge of a scientific curator, for free public inspection. It shall also prepare duplicate collections for each state normal school, and for exchange with the Smithsonian Institution and with other universities and scientific institutions. (3937)

1476. Report of board—On or before the second Tuesday in December, the board shall make an annual report to the governor, showing in detail the progress and condition of the university during the preceding university year, its wants, the nature, cost, and result of all improvements, experiments and investigations, the number and names of professors, teachers, and students in each department, the amount of money received and disbursed, and such other matters, including industrial and economic statistics, as it may deem important. A copy of such report shall be transmitted to each college or university endowed by act of Congress, and to the secretary of the interior. (3921)

1477. Power to accept bequests, etc.—The University of Minnesota may accept, in trust or otherwise, any gift, grant, bequest, or devise for educational purposes, and may hold, manage, invest, and dispose of the same, and the proceeds and income thereof, in accordance with the terms and conditions of

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such gift, grant, bequest, or devise, and of the acceptance thereof; and any person or persons contributing not less than fifty thousand dollars to the university may endow a professorship therein, the name and object of which shall be determined by the board. (3912; '97 c. 102; '03 c. 145)

See 1905 c. 187

1478. Funds to be deposited in state treasury—All such gifts, grants, bequests, and devises, and the proceeds and income therefrom, and all securities pertaining thereto, shall be deposited in the state treasury for the use of the university, and subject to its order. ('03 c. 145)

1479. Organization—The university shall comprise: (1) A college of science, literature and arts; (2) a college of agriculture, including military tactics; (3) a college of mechanic arts; (4) a college or department of law; (5) a college or department of medicine; (6) a college or department of dentistry. (3903)

See 1905 cc. 120, 132

1480. Sectarian instruction prohibited—In the selection of professors, instructors, officers and assistants of the university, in the studies and exercises, and in the management and government thereof, no partiality or preference shall be shown on account of political or religious belief or opinion, nor shall anything sectarian be taught therein. (3907)

1481. Duties of president—The president of the university shall be president of the general faculty and of the faculties of the several colleges or departments, and the executive head of the university in all its departments. Subject to the board of regents, he shall give general direction to the practical affairs and scientific investigations of the university, and, in the recess of the board, may remove any employee or subordinate officer, not a member of the faculty, and supply for the time any vacancy among such employees and officers. He shall be ex officio corresponding secretary of the board of regents, and may be charged with the duties of one of the professorships. (3922)

1482. Reports of president—On or before the second Tuesday in December of each year, he shall make a report to the state superintendent, showing in detail the progress and condition of the university during the previous university year, the number of professors and students in each department, and such other matters relating to the educational work of the institution as he shall deem useful, or as the state superintendent may require. He shall also at the same time report to the board of regents the progress and condition of the university during the same time, the nature and results of all important experiments and investigations, and such other matters, including industrial and economic facts and statistics, as he may deem useful, or as such board may require. (3922)

1483. Standing appropriation—There is hereby annually appropriated for, the general maintenance of the university:

1. The interest and income of the permanent university fund, arising from the sale of lands granted to the state by act of Congress entitled "An act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, or from any other source.

2. The proceeds of twenty-three one-hundredths mills on the dollar of the state school tax.

The lands granted by the general government to the state to aid in the development of brines, and known as the state salt lands, and those granted by an act of Congress entitled "An act granting lands to the state of Minnesota in lieu of certain lands heretofore granted to said state," approved March 3, 1879, and the funds arising from their sale, are hereby appropriated for the completion of the geological and natural history survey. (3768, 3910, 3948, 3949; '97 c. 75)

1484. Same—School of mines—The following sums are hereby appropriated annually, out of the state treasury: For the support of the school of mines of the state university, five thousand dollars. For the salaries of instructors in said school of mines and for the salary of a professor of electrical engineering in said university, forty-five hundred dollars. (7973; '95 c. 378)

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